

domain of the signal transducing component. In the present invention, the multimerizing component forms a complex between polypeptides that contain all three components on the same molecule. This is clearly patentably distinguishable and different than the polypeptides disclosed in the cited reference. At the time of the invention in the '099 patent, one of skill in the art would not have contemplated placing all three of the above components on a single molecule in view of lack of knowledge at the time about the exact mechanism underlying the way the components bind to a cytokine and the potentially likely steric hindrance envisioned. The present inventors, however, determined how to successfully construct the fusion proteins encoded by the nucleic acids claimed in the present application.

In view of the above, Applicants respectfully maintain that the '099 patent is not a reference against the present application, and does not teach or suggest the present invention as claimed. Applicants therefore request reconsideration and withdrawal of the rejection of claims under 35 USC § 103.

## **Conclusion**

Reconsideration and withdrawal of all rejections is respectfully requested in view of the present Amendment and Response. Applicants believe that the claims are in condition for allowance and an early notification of their progress to issuance is earnestly solicited.

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USSN 09/313,942  
Response to August 14, 2000  
Office Action



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No additional fee is believed due in this application; however, if any additional fee is deemed required please charge our Deposit Account No. 18-0650 for the requisite amount.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gail M. Kempler", written over a horizontal line.

Gail M. Kempler  
Reg. No. 32,143  
Joseph M. Sorrentino  
Reg. No. 32,598  
Attorneys for Applicants  
Linda O. Palladino  
Reg. No. 45,636  
Patent Agent for Applicants  
Regeneron Pharmaceuticals, Inc.  
777 Old Saw Mill River Road  
Tarrytown, New York 10591  
(914) 345-7400